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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,246	08/20/2003	Gary Hochman	0813-017P/JAB	6059

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SCHWEITZER CORNMAN GROSS & BONDELL LLP
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NEW YORK, NY 10017

EXAMINER

EBRAHIMI DEHKORDY, SAEID

ART UNIT PAPER NUMBER

2626

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/644,246	HOCHMAN, GARY	
	Examiner	Art Unit	
	Saeid Ebrahimi-dehKordy	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/20/03</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. Applicant's arguments with respect to claim 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Albal (U.S. patent 5,826,034)

Regarding claims 1 and 10 Albal discloses: A method for the transmission of image data from a sender to a recipient (note column 9 lines 29-34) comprising the steps of: inserting (note Fig.4 item 102 the payload) at the location of the sender into a data transmission (note column 9 lines 38-39) including an image format portion data identifying the address of the intended recipient of the image-format portion of the transmission (note Fig.4 item 1 where the address or the recipient is added to the payload 102 which is part of the message, column 9 lines 38-40) and message tracking data (note column 9 lines 67 and column 10 lines 1-2, also note column 2 lines 28-32 where the tracking system is tracking the delivery of the payload to the recipient) transmitting the data transmission over a transmission system from the sender's location to an intermediate point of presence facility (note column 9 lines 41-47 where

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the fax or email is sent to the point of presence or POP) and receiving the data transmission by the point of presence facility and re-transmitting the data comprising the image portion to the identified address of the recipient (note column 9 lines 46-51 where the mail is send from the point of presence to the recipient).

Regarding claim 2 and 14 Albal discloses: The method of claim1 wherein the message tracking data inserted comprises at least one of accounting, audit and documentation data (note column 9 lines 38-67 and column 10 lines 1-14 where the payload containing the information of the recipient a is inserted to the fax or email and tracked).

Regarding claim 3 Albal discloses: the method of claim 2 further including the step of processing the message tracking data by the point of presence facility (note column 9 lines 38-49).

Regarding claim 4 Albal discloses: The method of claim 3 including the further step of stripping the message tracking data from the data transmission at the point of presence facility before retransmission (note column 9 lines 44-50).

Regarding claim 5 Albal discloses: The method of claim 1 further including the steps of: inserting at the location of the sender into the data transmission data identifying an address of the sender; and sending a confirmation message to the sender's address by the point of presence facility after re-transmitting the data comprising the image portion to the recipient's identified address (note column 9 lines 38-50 where the fax or email sent from the sender is transmitted to the point of presence and thereon to the recipient).

Regarding claim 6 and 7 Albal discloses: the method of claim 1, wherein the address of the recipient is an email address and the step of retransmitting the data includes forwarding the data in the form of an email attachment to the recipient email address (note column 4 lines 25-63).

Regarding claim 8 Albal discloses: The method of claim 6, wherein the address of the sender is an e-mail address and the step of sending a confirmation message includes forwarding an e-mail message to the sender's e-mail address (note column 4 lines 59-63).

Regarding claim 9 Albal discloses: The method of claim 1 further including the steps of generating a confirmation message by the point of presence Facility after re-transmitting the data comprising the image Portion to the recipient's identified address and allowing the sender access to the confirmation message (note column 9 lines 46-50).

Regarding claim 11 Albal discloses: The method of claim 10 wherein the identified address of the recipient is a telephone number associated with a facsimile reception apparatus and said re-transmission includes a portion over a telephone line linked to the facsimile reception apparatus (note Fig.4 item 202 the payload where the facsimile number is attached)

Regarding claim 12 Albal discloses: The method of claim 10 wherein the transmission from the sender to the point of presence Facility is in the form of an e-mail transmission (note column 9 lines 28-43).

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Regarding claim 13 Albal discloses: The method of claim1 wherein the step of transmitting the data transmission over a telephone system from the sender's location to an intermediate point of presence facility include converting the image data to facsimile format and transmitting the image data in the facsimile format (note column 9 lines 38-57).

Contact Information

- Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Saeid Ebrahimi-Dehkordy* whose telephone number is (571) 272-7462.

The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 5:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams, can be reached at (571) 272-7471.

Any response to this action should be mailed to:

Assistant Commissioner for Patents
Washington, D.C. 20231

Or faxed to:

(571) 273-8300, (for **formal** communications; please mark
"EXPEDITED PROCEDURE")

Or:

(703) 306-5406 (for **informal** or **draft** communications, please label
"PROPOSED" or "DRAFT")

Hand delivered responses should be brought to Knox building on 501 Dulany Street, Alexandria, VA.

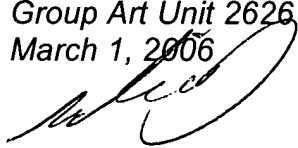
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Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 305-4750.

Saeid Ebrahimi-Dehkordy
Patent Examiner
Group Art Unit 2626
March 1, 2006



MARK WALLERSON
PRIMARY EXAMINER